

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Antique & Salvage Liquidators, Inc.,  
dba Asset Services & Liquidators  
524 Brennan Street  
San Jose, California 95131  
CAL000285604

Respondent.

Docket HWCA 20071346

CONSENT ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and Antique & Salvage Liquidators, Incorporated, a California corporation doing business in California (Respondent) enter into this Consent Order (Order) and agree as follows:

1. Respondent receives and disassembles universal waste electronic devices and treats universal waste cathode ray tube devices (CRTs) at 524 Brennan Street, San Jose, California 95131 (Site). Respondent obtained identification number CAL000285604 for this site.
2. The Department inspected the Site on August 22, 2006.
3. The Department alleges the following violations:
  - 3.1. The Respondent violated California Health and Safety Code section 25201 in that the Respondent accepted hazardous waste that the Respondent was not authorized to accept.
  - 3.2. The Respondent violated California Code of Regulations, title 22, section 66273.38(g) in that the Respondent received hazardous waste that was not

universal waste and the Respondent did not immediately notify the Department of the illegal shipment and provide the required information.

3.3. The Respondent violated California Code of Regulations, title 22, sections 66273.33(d)((F)7a. and 66273.83(d)(2) in that the Respondent failed to evaluate their closure cost estimate annually and adjust it to reflect change in closing cost as appropriate.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violation alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

#### SCHEDULE FOR COMPLIANCE

No further compliance actions are required. The hazardous waste received in violation of California Health and Safety Code section 25201 and California Code of Regulations, title 22, section 66273.38(g) was packaged and transferred offsite by a hazardous waste transporter to an authorized facility on August 25, 2006. Information was provided to the Department indicating that the Respondent corrected the violation related to their Closure Cost Estimate on August 28, 2006.

#### PAYMENTS

11. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$4,000.00. Respondent's check shall be made

payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Paul S. Kewin, Section Chief  
Northern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

### SIGNATORIES

13. Each undersigned representative of the parties to this Order certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to execute and legally bind the Parties to this Order.

Dated: April 19, 2007

Original signed by William McGeever

Mr. William McGeever  
Vice President/Operations  
Antique & Salvage Liquidators, Incorporated

Dated: April 20, 2007

Original signed by Paul S. Kewin

Mr. Paul S. Kewin, Unit Chief  
Northern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control